

## **IC 14-34-11**

### **Chapter 11. Surface Effects of Underground Coal Mining**

#### **IC 14-34-11-1**

##### **Requirements of permit holders**

Sec. 1. In addition to other requirements that the commission establishes by rule after considering the distinct difference between surface coal mining and underground coal mining and that do not conflict with or supersede any provision of the federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. 801 through 960), or any of its regulations, an operator of an underground coal mining operation who holds a surface coal mining and reclamation permit shall do the following:

(1) To the extent technologically and economically feasible and except in those instances where the mining technology used requires planned subsidence in a predictable and controlled manner, adopt measures consistent with known technology to do the following:

- (A) Prevent subsidence causing material damage.
- (B) Maximize mine stability.
- (C) Maintain the value and reasonably foreseeable use of surface land.

However, this section does not prohibit the standard method of room and pillar mining.

(2) Seal all portals, entryways, drifts, shafts, or other openings between the surface and underground coal mine working when no longer needed for the conduct of the mining operations.

(3) Fill or seal exploratory holes no longer necessary for mining, maximizing to the extent technologically and economically feasible the return of:

- (A) mine and processing waste;
- (B) tailings; and
- (C) any other waste incident to the mining operation;

to the mine workings or excavations.

(4) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine workings or excavations the following:

(A) Stabilize all waste piles created by the permittee from current operations through construction in compacted layers, including the use of incombustible and impervious materials if necessary.

(B) Assure the following:

- (i) The leachate will not degrade below water quality standards established under applicable federal and state law for surface or ground water.
- (ii) The final contour of the waste accumulation will be compatible with natural surroundings.
- (iii) The site is stabilized and revegetated according to this chapter.

(5) Design, locate, construct, operate, maintain, enlarge,

modify, and remove, or abandon, in accordance with the standards and criteria used by the United States Secretary of the Interior to ensure that flood control structures are safe and effectively perform their intended function, all existing and new coal mine waste piles:

- (A) consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes; and
  - (B) used temporarily or permanently as dams or embankments.
- (6) Establish on regraded areas and all other land affected a diverse and permanent vegetative cover:
- (A) capable of self-regeneration and plant succession; and
  - (B) at least equal in extent of cover to the natural vegetation of the area.
- (7) Protect offsite areas from damages that may result from the mining operations.
- (8) Eliminate fire hazards and other conditions that constitute a hazard to the health and safety of the public.
- (9) Minimize the disturbances of the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quantity of water in surface ground water systems both during and after coal mining operations and during reclamation by doing the following:
- (A) Avoiding acid or other toxic mine drainage by measures such as the following:
    - (i) Preventing or removing water from contact with toxic-producing deposits.
    - (ii) Treating drainage to reduce toxic content that adversely affects downstream water upon release to watercourses.
    - (iii) Casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface water.
  - (B) Conducting surface coal mining operations to:
    - (i) prevent, to the extent possible using the best technology currently available, additional contributions, not exceeding requirements set by state or federal law, of suspended solids to stream flow or runoff outside the permit area; and
    - (ii) avoid channel deepening or enlargement;in operations requiring the discharge of water from mines.
- (10) With respect to other surface impacts not specified in this chapter, including the construction of:
- (A) new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage;
  - (B) repair areas;
  - (C) storage areas;
  - (D) processing areas;
  - (E) shipping areas; and
  - (F) other areas upon which are sited structures, facilities, or other property or materials on the surface resulting from or

incident to those activities;  
operate in accordance with the standards established under IC 14-34-10 for the effects that result from surface coal mining operations.

(11) To the extent possible using the best technology currently available the following:

(A) Minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values.

(B) Achieve enhancement of those resources if practicable.

(12) Locate openings for all new drift mines working acid-producing or iron-producing coal seams in such a manner as to prevent a gravity discharge of water from the mine unless another location is approved by the director.

*As added by P.L.1-1995, SEC.27.*

### **IC 14-34-11-2**

#### **Suspension of mining to protect land stability**

Sec. 2. To protect the stability of the land, the director shall suspend underground coal mining:

(1) under urbanized areas, cities, towns, and communities; and

(2) adjacent to industrial or commercial buildings, major impoundments, or permanent streams;

if the director finds an imminent danger to inhabitants of the urbanized areas, cities, towns, and communities.

*As added by P.L.1-1995, SEC.27.*

### **IC 14-34-11-3**

#### **Damage to buildings or water**

Sec. 3. (a) As used in this section, "compensate" means to provide an amount equal to the full amount of the diminution in value resulting from the subsidence described in subsection (c)(1). The term includes the purchase, before the commencement of mining operations, of a noncancellable premium-prepaid insurance policy.

(b) As used in this section, "repair" includes rehabilitation, restoration, and replacement.

(c) The operator of an underground coal mining operation conducted after June 30, 1994, shall do the following:

(1) Promptly repair or compensate for material damage resulting from subsidence caused to:

(A) any occupied residential dwelling and any structure related to the occupied residential dwelling; or

(B) any noncommercial building;

due to the operator's underground coal mining operation.

(2) Promptly replace any drinking, domestic, or residential water supply from a well or spring that:

(A) was in existence before the filing of the operator's application for a surface coal mining and reclamation permit; and

(B) has been affected by contamination, diminution, or interruption resulting from the operator's underground coal

mining operation.  
*As added by P.L.1-1995, SEC.27.*

**IC 14-34-11-4**

**Modification of permits and bonds**

Sec. 4. All provisions of this article apply to surface impacts incident to an underground coal mine. However, the director may modify the:

- (1) permit application requirements;
- (2) permit approval or denial procedures; and
- (3) bond requirements;

to accommodate the distinct difference between surface coal mining and underground coal mining.

*As added by P.L.1-1995, SEC.27.*